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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,577	01/10/2007	Fabrice Pinard	294013US6PCT	2725

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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MCNALLY, DANIEL

ART UNIT	PAPER NUMBER
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1747

NOTIFICATION DATE	DELIVERY MODE
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09/29/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/589,577	<b>Applicant(s)</b> PINARD, FABRICE	
	<b>Examiner</b> DANIEL MCNALLY	<b>Art Unit</b> 1747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 2-13, 17-19 and 21 is/are pending in the application.
- 5a) Of the above claim(s) 3, 8, 11 and 12 is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 2, 4-7, 9, 10, 13, 17-19 and 21 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/1/2010 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 1, 2, 4-6, 9, 10, 13, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa et al. [US5653357, of record, previously cited, "Miyazawa"] in view of Adey et al. [US6205831, newly cited, "Adey"].**

Miyazawa discloses a method of making a laminate part. The method comprises providing a steel sheet with a thickness from .1-.5mm (column 6, lines 27-67), providing a film of adhesive polymers with a thickness of about .1mm (column 8, lines 20-21), laminating the sheet with the film (column 9, lines 32-35), the laminated sheet has a total thickness which is the sum of the individual layer thicknesses, the laminate is drawn by a tool comprising a punch, die and annular holding member (column 9, lines 22-31; column 9, line 66 - column 10, line 9). Miyazawa discloses forming a drawn

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article without re-drawing. Miyazawa discloses using a conventional drawing method but is silent as to adjusting the value of the material passage so that the material passage is within the claimed range.

Adey discloses a method of drawing a metal sheet. The method comprises drawing a metal strip between a female die and a punch. Adey discloses the clearance between the punch and the female die is less than the thickness of the metal sheet, and the ratio of the clearance to the thickness of the strip is 0.85/1 (column 5, lines 47-67; column 6, lines 51-55; column 11, lines 6-14).

It would have been obvious to one of ordinary skill in the art to modify the method of Miyazawa by using a tool with a clearance that has a ratio of clearance to stock thickness of .85/1 as taught by Adey in order to reduce the thickness of the stock material and prevent wrinkling of the material. Using a clearance that is 85% of the thickness of the stock in the method of Miyazawa will satisfy the claimed range.

With regard to claim 2, Miyazawa discloses the steel material is coated with the polymer film on what will be the inside surface of a formed container, and the punch is directly applied to the side of the steel material that is the inside surface, therefore the punch is directly contacted to the side of the steel material that is coated with the polymer film.

With regard to claim 4, Miyazawa discloses providing a steel sheet with a thickness from .1-.5mm.

With regard to claim 5, Miyazawa discloses the thickness of the polymer film is about 0.1mm, and it would have been well within the purview of one of ordinary skill in

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the art to use a polymer film with a thickness greater than 0.2mm. Optimization of the polymer film thickness can be performed by one of ordinary skill to balance shock resistance, workability and flavor retentively, by ordinary experimentation.

With regard to claim 6, Miyazawa discloses the total thickness of the laminate steel sheet is between 0.3 and 1.2mm.

With regard to claim 9, Miyazawa discloses the polymer film is a thermoplastic.

With regard to claim 10, Miyazawa discloses the polymer film is polyester.

With regard to claim 13, Miyazawa discloses performing a surface treatment to the surface of the steel sheet to improve adhesion with the polymer film.

With regard to claim 19, the claim is directed toward the intended use of the final article. Miyazawa's article would be capable of performing the intended use.

**4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa, Adey, and further in view of Shimizu [US5686194, of record, previously cited].**

Miyazawa as modified discloses a method of forming a laminated part. Applicant is referred to paragraph 3 for a detailed discussion of Miyazawa as modified. Miyazawa discloses extruding the polymer film and laminating the polymer film to the steel sheet, but is silent as to directly extruding the polymer film to the steel sheet.

Shimizu discloses a method of forming a laminated part. The method comprises laminating a polymer film to a steel sheet. Shimizu discloses using one or a combination of process for laminating the polymer film to the sheet. Shimizu discloses

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the film can be formed and then laminated to the steel sheet or directly laminating the polymer film to the steel sheet (column 7, lines 1-25).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Miyazawa by directly laminating the polymer film to the steel sheet as taught by Shimizu as a well known alternative to forming and laminating the polymer film. A substitution of well known alternatives is within the purview of one of ordinary skill.

**5. Claims 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa, Adey and further in view of Ueno et al. [US4143790, of record, previously cited, herein "Ueno"].**

Miyazawa as modified discloses a method of forming a laminated part. Applicant is referred to paragraph 3 for a detailed discussion of Miyazawa as modified. Miyazawa discloses drawing a blank. Miyazawa is silent as to cutting the sheet into a blank, and the blank having a dimension greater than 600mm. The requirement of the article being an external automotive body is directed to the intended use of the article.

Ueno discloses blanks can be drawn into articles useful as can bodies, casings of electrical instruments and armoring of vehicles (column 8, line 59 - column 9, line 2). Ueno also discloses the metal sheet is cut into a blank (column 9, lines 22-36).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Miyazawa by cutting the sheet into a blank as taught by Ueno to make an article useful as an external automotive body part as taught by Ueno in order to create an article of a desired size that is usable for its intended

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purpose. One of ordinary skill in the art would readily appreciate that a vehicle armoring would be formed of a part that includes a dimension larger than 600mm.

**6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa, Adey, Ueno, and further in view of Rashid et al. [US6253588, of record, previously cited, herein “Rashid”].**

Miyazawa as modified discloses a method of forming a laminated part. Applicant is referred to paragraph 5 for a detailed discussion of Miyazawa as modified. Miyazawa as modified discloses forming an external automotive body part. In the event that it is not obvious that the blank used to form the body part would include a dimension larger than 600mm. Rashid discloses a method of forming an external automotive body part from a blank. The blank is 47 inches by 70 inches in size (column 5, lines 29-31).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Miyazawa to use a blank that has a dimension larger than 600mm as optionally taught by Rashid in order to form a body panel of sufficient size to fit the final automobile.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 2, 4-7, 9, 10, 13, 17-19 and 20 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues Saunders does not disclose a tool with a negative clearance. Newly cited Adey discloses a tool with a clearance that satisfies the claimed range.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barnes et al. [US4644626] discloses cutting a metal sheet to a blank before forming the blank between a die and a punch.
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL MCNALLY whose telephone number is (571)272-2685. The examiner can normally be reached on Monday - Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone



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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL McNALLY/  
Examiner, Art Unit 1747

DPM  
September 25, 2011